

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of **Robert T. McWethy**

Application No. 10/532,526

Attorney Docket No. 1032-P02946US1

Filed: April 22, 2005

For: PRE-FILLED RETRACTABLE
NEEDLE INJECTION DEVICE

RECEIVED

22 FEB 2006

Legal Staff
International Division

**§1.47 Petition to Accept Application
When Inventor Cannot be Reached**

MDC Research Ltd. petitions for acceptance of this application without a declaration from inventor Robert McWethy because Robert McWethy cannot be found or reached after diligent effort. The facts supporting this petition are set forth below:

1. MDC Research Ltd. and MDC Investment Holdings Inc. are wholly owned subsidiaries of Med-Design Corp.
2. Robert McWethy is the sole named inventor for U.S. Patent Application No. 10/532,526.
3. U.S. Patent Application No. 10/532,526 is a national stage filing of International Patent Application No. PCT/US03/33511, which claims priority to U.S. Provisional Patent Application No. 60/424,278.
4. MDC Research Ltd engaged Robert McWethy to design and develop safety medical products. As part of the engagement, Robert McWethy executed an agreement that included the obligation to assign to MDC Research Ltd all inventions designed or developed during the course of his work with MDC Research Ltd. Copies of the portion of the agreement dealing with the work product are attached hereto as Exhibit A.
5. While working for MDC Research Ltd., Robert McWethy forwarded me information regarding a medical device that he had developed at MDC Research Ltd. The inventions in U.S. Patent Application No. 10/532,526 are based on the information that Robert McWethy sent to me.
6. After U.S. Provisional Patent Application No. 60/424,278 was filed, but before U.S. Patent Application No. 10/532,526 were filed, Robert McWethy left MDC Research Ltd. to pursue employment with a different company.

7. On November 3, 2005 I forwarded a copy of U.S. Application No. 10/532,526 to Robert McWethy at his last known address, which is 1543 Daffodil Avenue, Ventura, CA 93004. Along with the application I included a declaration for the application and an assignment. A copy of the letter is attached as Exhibit B.
8. On November 7, 2005 I received a call from a woman named Leslie indicating that she had recently purchased the home at 1543 Daffodil Avenue, Ventura, CA 93004, and that Robert McWethy no longer lived at the residence. The woman indicated that she did not know where Robert McWethy had moved to.
9. I performed several computer searches in an attempt to locate Robert McWethy, but was unable to locate a new address for him.
10. I attempted to contact Robert McWethy by phone at the last known phone number for him, but the number was disconnected.
11. I also performed computer searches to identify a phone number for Robert McWethy. I contacted individuals at phone numbers that turned up in the computer searches, however, none of the phone numbers were for the Robert McWethy that is named as the inventor for U.S. Patent Application No. 10/532,526.
12. I performed computer searches for Robert McWethy to locate an email address for him. I sent an email to the address that turned up in the search, but the email was returned with a notice indicating that the email account was either disabled or discontinued. A copy of the returned email is attached as Exhibit C.

01/03/2006 ATRAN1 00000093 10532526

02 FC:1464

130.00 OP

Respectfully submitted,

01/03/2006 ATRAN1 00000093 10532526

01 FC:2617

65.00 OP

DANN, DORFMAN, HERRELL & SKILLMAN
A Professional Corporation
Attorneys for Applicant(s)

By



Stephen H. Eland
PTO Registration No. 41,010